

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
---------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court District of Arizona on the following ☐ Patents or ☐ Trademarks:

DOCKET NO. CV 09-2383-PHX-ROS	DATE FILED 11/13/2009	U.S. DISTRICT COURT District of Arizona
PLAINTIFF Hotwire Development, LLC, et al.		DEFENDANT Logitech International, S.A., et al.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 SEE ATTACHED		
2 6527, 241		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK RICHARD H. WEARE	(BY) DEPUTY CLERK s/Beth Stephenson	DATE 11/16/2009
----------------------------------	----------------------------------------	--------------------

1 8. For and award of pre-judgment and post-judgment interest on any
2 monetary award, as permitted by law; and

3 9. For such other and further relief that the Court may deem just, proper or
4 necessary under the circumstances.

5 **DEMAND FOR JURY TRIAL**

6 Pursuant to Fed. R. Civ. P. 38(b), Plaintiff requests a trial by jury for all issues
7 triable to a jury.

8 DATED this 13th day of November, 2009.

9
10 SCHMITT, SCHNECK, SMYTH & HERROD, P.C.

11
12 By:

13 /s/ James L. Williams
14 David T. Maddox
15 James L. Williams
16 Attorneys for Plaintiffs

17 SCHMEISER, OLSEN & WATTS

18
19 By:

20 /s/ Sean K. Enos
21 Sean K. Enos
22 Attorneys for Plaintiffs

STD

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:09-cv-02383-ROS**

Hotwire Development, LLC, et al. v. Logitech International
S.A., et al.
Assigned to: Judge Roslyn O Silver
Cause: 35:271 Patent Infringement

Date Filed: 11/13/2009
Jury Demand: Plaintiff
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Hotwire Development, LLC
an Arizona limited liability company

represented by **James Lawrence Williams**
Schmitt Schneck Smyth & Herrod PC
1221 E Osborn Rd
Ste 105
Phoenix, AZ 85014
602-277-7000
Email: james@azbarristers.com
ATTORNEY TO BE NOTICED

Sean Kealii Enos
Schmeiser Olsen & Watts LLP
18 E University Dr
Ste 101
Mesa, AZ 85201
480-655-0073
Fax: 480-655-9536
Email: kenos@iplawusa.com
ATTORNEY TO BE NOTICED

David Thomas Maddox
Schmitt Schneck Smyth & Herrod PC
1221 E Osborn Rd
Ste 105
Phoenix, AZ 85014-5540
602-277-7000
Fax: 602-277-8663
Email: davidmaddox@azbarristers.com
ATTORNEY TO BE NOTICED

Plaintiff

IGO, Inc.
a Delaware corporation

represented by **James Lawrence Williams**
(See above for address)
ATTORNEY TO BE NOTICED

Sean Kealii Enos
(See above for address)

ATTORNEY TO BE NOTICED

David Thomas Maddox
 (See above for address)
 ATTORNEY TO BE NOTICED

V.

Defendant

Logitech International, S.A.
a Swiss corporation

Defendant

Logitech, Inc.
a California corporation

Date Filed	#	Docket Text
11/13/2009	<u>1</u>	COMPLAINT. Filing fee received: \$ 350.00, receipt number 0970-3359219, filed by Hotwire Development, LLC. (Attachments: # <u>1</u> Exhibit 1-5)(Maddox, David) (Entered: 11/13/2009)
11/13/2009	<u>2</u>	Additional Attachments to Main Document re <u>1</u> Complaint <i>Civil Cover Sheet</i> by Plaintiff Hotwire Development, LLC. (Maddox, David) (Entered: 11/13/2009)
11/13/2009	<u>3</u>	Additional Attachments to Main Document re <u>1</u> Complaint <i>Summons re Logitech, Inc.</i> by Plaintiff Hotwire Development, LLC. (Maddox, David) (Entered: 11/13/2009)
11/13/2009	<u>4</u>	Additional Attachments to Main Document re <u>1</u> Complaint <i>Summons re Logitech International, S.A.</i> by Plaintiff Hotwire Development, LLC. (Maddox, David) (Entered: 11/13/2009)
11/13/2009	<u>5</u>	This case has been assigned to the Honorable Roslyn O. Silver. All future pleadings or documents should bear the correct case number: CV 09-2383-PHX-ROS. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 11/16/2009)
11/13/2009	<u>6</u>	Notice of availability of Magistrate Judge (BAS) (Entered: 11/16/2009)
11/16/2009	<u>7</u>	NOTICE TO PARTY OF DEFICIENCY RE CORPORATE DISCLOSURE STATEMENT: Pursuant to FRCiv 7.1 and LRCiv 7.1.1 the attached Corporate Disclosure Statement form must be filed by all nongovernmental corporate parties with their first appearance. A supplemental statement must be filed upon any change in the information. In addition, if not already filed, the Corporate Disclosure Statement should be filed within 15 days. Corporate Disclosure Statement Deadline set for 12/1/2009 as to Hotwire Development, LLC, and IGO, Inc.. (BAS) (Entered: 11/16/2009)
11/16/2009	<u>8</u>	Summons Issued as to Logitech International, S.A., Logitech, Inc.. (Attachments: # <u>1</u> Logitech Inc.)(BAS). *** IMPORTANT: You must select

"Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 11/16/2009)

PACER Service Center**Transaction Receipt**

11/16/2009 12:59:57

PACER Login:	us4935	Client Code:	
Description:	Docket Report	Search Criteria:	2:09-cv-02383-ROS
Billable Pages:	2	Cost:	0.16

1 David T. Maddox (015889)
James L. Williams (026402)
2 SCHMITT, SCHNECK, SMYTH & HERROD, P.C.
3 1221 East Osborn Road, Suite 105
Phoenix, AZ 85014-5540
4 Telephone: (602) 277-7000
5 Facsimile: (602) 277-8663
Counsel for Plaintiffs

6 Sean K. Enos (023634)
7 SCHMEISER, OLSEN & WATTS, LLP
18 E. University Drive, Suite 101
8 Mesa, Arizona 85201
9 Telephone: (480) 655-0073
Facsimile: (480) 655-0073

10 Co-Counsel for Plaintiffs

11 UNITED STATES DISTRICT COURT
12 DISTRICT OF ARIZONA

13 HOTWIRE DEVELOPMENT, LLC,
14 an Arizona limited liability company,
15 and
16 IGO, INC.
a Delaware corporation

17 Plaintiffs,

18 vs.

19
20 LOGITECH INTERNATIONAL S.A.,
a Swiss corporation,
21 and
22 LOGITECH, INC.,
A California corporation,

23 Defendants.
24
25

Case No. _____

**COMPLAINT SEEKING
INJUNCTIVE AND MONETARY
RELIEF FOR PATENT
INFRINGEMENT**

Request for Jury Trial

1 For their Complaint against Defendants Logitech International S.A. and Logitech
2 Inc. (collectively, "Logitech") for infringement of a U.S. utility patent, Plaintiffs
3 Hotwire Development, L.L.C., (hereinafter "Hotwire") and Igo, Inc., (hereinafter Igo)
4 by and through undersigned counsel, aver as follows:

5 1. This is an action for preliminary and permanent injunctive relief and
6 monetary damages to remedy direct infringement, inducement to infringe and
7 contributory infringement by Logitech of a U.S. utility patent assigned to and owned by
8 Plaintiff Igo and exclusively licensed to Plaintiff Hotwire.

9
10 **PARTIES**

11 2. Hotwire is an Arizona corporation with its principal place of business
12 located at 16039 North 82nd Street, Scottsdale, Arizona 85260. Hotwire is a product
13 development, marketing, and business support company that licenses and markets
14 computer laptop accessories and other products. Hotwire is the exclusive licensee of
15 patent rights on which the claims of relief asserted herein are based.

16 3. Igo is a Delaware corporation licensed to do business in Arizona with its
17 principal place of business located at 17800 N. Perimeter Dr., Suite 200, Scottsdale,
18 Arizona 85255. Igo develops and markets accessories for laptops and mobile devices.
19 Igo is the owner and licensor of patent rights on which the claims of relief asserted
20 herein are based.

21 4. Upon information and belief, Defendant Logitech International S.A. is a
22 Swiss corporation with its headquarters located at Moulin du Choc, CH-1122 Romanel-
23 sur-Morges, Vaud, Switzerland, and a principal place of business located at 6505 Kaiser
24 Drive, Fremont, California 94555. Either directly or through one of its subsidiaries,
25

1 Logitech International S.A. regularly does business in Arizona, including selling its
2 products in this judicial district.

3 5. Defendant Logitech, Inc., is a California Corporation with its principal
4 place of business located at 6505 Kaiser Drive, Fremont, California 94555. Logitech,
5 Inc. regularly does business in Arizona, including selling its products in this judicial
6 district.

7 6. Logitech International S.A. and Logitech, Inc., produce laptop accessories
8 and are direct competitors of Plaintiffs.

9
10 **NATURE OF CLAIMS**

11 7. Plaintiffs seek monetary and injunctive relief pursuant to their claims
12 arising out of Defendants' willful and fraudulent taking of, making, using, importing,
13 selling or offering to sell in the U.S. Plaintiffs' invention as claimed in U.S. Patent No.
14 6,527,241 (Attached hereto as Exhibit 1).

15 **JURISDICTION AND VENUE**

16 8. This Court has jurisdiction of this case under 28 U.S.C. §§ 1331, 1338(a)
17 and (b) and 1367; and 35 U.S.C. §§ 271 and 281.

18 9. This Court has personal jurisdiction over Logitech pursuant to the
19 provisions of the Arizona's long arm statute, Rule 4.2, *Ariz. R. Civ. P.*, and the laws of
20 the United States. Logitech regularly solicits business and maintains a persistent course
21 of conduct by conducting business in the District of Arizona. Logitech also maintains
22 an established distribution network for offering for sale, selling and shipping products
23 into this District, including their line of laptop accessories and laptop stands. The
24 marketing and sale of the accused device will directly infringe and induce and/or
25 contribute to the infringement of the '241 Patent. In addition, Logitech's actions as

1 described herein have caused and will continue to cause tortuous injury to Plaintiffs,
2 residents of this State and District, and, if not enjoined, will permit Logitech to
3 wrongfully derive substantial revenue from their activities within this State and District.
4 Upon information and belief, Logitech derives substantial revenue from activities
5 within this State and District and has sold a substantial amount of products within or for
6 delivery or distribution into this State and District.

7 10. The events giving rise to the claims herein, or a substantial portion
8 thereof, occurred in this District; and thus venue is proper under 28 U.S.C. §§ 1391 and
9 1400(b).

10 **U.S. Patent No. 6,527,241**

11
12 11. On March 4, 2003, United States Letters Patent No. 6,527,241 entitled
13 "Apparatus for Cooling a Laptop Computer" (the '241 Patent) was duly and legally
14 issued naming Charles Lord as inventor. A true and correct copy of the '241 Patent is
15 attached hereto as Exhibit 1.

16 12. On November 15, 2001 Mr. Lord, assigned the '241 patent to Mobility
17 Electronics, Inc. This assignment is recorded at Reel/Frame Number 012316/0727 in
18 the U.S. Patent and Trademark Office (Attached hereto as Exhibit 2).

19 13. On May 21, 2008 Mobility Electronics, Inc., executed a Change of Name
20 to Igo, Inc., which was recorded at Reel/Frame 021076/0664 on June 11, 2008 in the
21 U.S. Patent and Trademark Office (Attached here as Exhibit 3).

22 14. The '241 Patent was licensed by Mobility Electronics, Inc. (now Igo)
23 exclusively to Hotwire Development, L.L.C., on February 25, 2008, as evidenced by the
24 Patent License Agreement and Amended and Restated Patent License Agreement
25 (Attached here as Exhibit 4).

Logitech and Their Accused Device

15. The Accused Device purported to infringe the '241 Patent is the Logitech Cooling Pad N100 (Shown in Exhibit 5 attached hereto)

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent No. 6,527,421)

[35U.S.C. § 271(a)]

16. Plaintiffs incorporate by reference all averments set forth in the paragraphs above as if fully rewritten herein.

17. The accused device,, the Logitech Cooling Pad N100, was purchased from Logitech's online site on September 29, 2009 and shipped to an Arizona resident.

18. On information and belief, Logitech is making, using, importing, selling or offering to sell in the U.S. the device mentioned in paragraph 19 above (hereinafter the "Accused Device"), which device infringes one or more of the claims of the '241 Patent.

19. On information and belief, Logitech knows that the Accused Device infringes one or more claims of the '241 Patent.

20. On information and belief, Logitech's acts of direct infringement are willful, wanton, and deliberate, without license, and with full knowledge and awareness of the '241 Patent. As a result, Hotwire and Igo will suffer irreparable harm. Hotwire and Igo will continue to suffer this irreparable harm until and unless Logitech's infringing activities are enjoined for the duration of this action and thereafter.

1 21. Harm to Plaintiffs within this judicial district and elsewhere in the United
2 States resulting from the acts of direct infringement of the '241 Patent by Logitech set
3 forth above is irreparable, continuing, and not fully compensable by money damages
4 alone.

5 22. On information and belief, Logitech has profited and will continue to
6 profit by their wrongful activities.

7 23. Plaintiffs have been be damaged by Logitech's infringing activities and
8 will continued to be damaged by these activities if Defendants are not enjoined. The
9 amount of monetary damages which Plaintiffs have suffered by the acts of Logitech set
10 forth above cannot be determined without an accounting.

11
12 **SECOND CLAIM FOR RELIEF**
13 **(Inducing Infringement of U.S. Patent No. 6,527,241)**

14 **[35 U.S.C. § 271(b)]**

15 24. Plaintiffs incorporate by reference all averments set forth in the
16 paragraphs above as if fully rewritten herein.

17 25. In manufacturing, importing, marketing or selling the Accused Device
18 within the U.S., Logitech is inducing customers and consumers who purchase or
19 otherwise procure the Accused Device to infringe the '241 Patent.

20 26. On information and belief, Logitech reasonably knows that the
21 manufacturing, importing, marketing or selling of the Accused Device will induce
22 customers and consumers into infringing the '241 Patent.

23 27. On information and belief, Logitech's acts of inducing infringement of the
24 '241 Patent are willful, wanton, and deliberate, without license, and with full knowledge
25 and awareness of the '241 Patent. As a result, Plaintiffs will suffer irreparable harm and

1 this irreparable harm will continue until and unless Logitech's infringing activities are
2 enjoined for the duration of this action and thereafter.

3 28. Harm to Plaintiffs within this judicial district and elsewhere in the U.S.
4 resulting from the acts of inducement to infringe the '241 Patent by Logitech, as set
5 forth above, is irreparable, continuing, and not fully compensable by money damages
6 alone.

7 29. On information and belief, Logitech has profited and will continue to
8 profit by their wrongful activities.

9 30. Plaintiffs have been and will be damaged by Logitech's infringing
10 activities. The amount of monetary damages that Plaintiffs have suffered by the acts of
11 Logitech, as set forth above, cannot be determined without an accounting.
12

13 **THIRD CLAIM FOR RELIEF**

14 **(Contributory Infringement of U.S. Patent No. 6,527,241)**

15 **[35 U.S.C. § 271(c)]**

16 31. Plaintiffs incorporate by reference all averments set forth in the
17 paragraphs above as if fully rewritten herein.

18 32. Logitech advertises the Accused Device for use with laptop computers.

19 33. Logitech recommends to consumers that the Accused Device should be
20 used in combination with a laptop computer.

21 34. On information and belief, Logitech knows that the combination of the
22 Accused Device with a laptop computer directly infringes one or more claims of the
23 '241 Patent.

24 35. On information and belief, in the absence of a laptop computer, the
25 Accused Device serve no other substantial function.

1 36. On information and belief, the Accused Device is especially made or
2 especially adapted for use in an infringement of the '241 Patent.

3 37. On information and belief, Logitech's acts of contributory infringement of
4 the '241 Patent are willful, wanton, and deliberate, without license, and with full
5 knowledge and awareness of the '241 Patent. As a result, Plaintiffs will suffer
6 irreparable harm, and this irreparable harm will continue until and unless Logitech's
7 infringing activities are enjoined for the duration of this action and thereafter.

8
9 **DEMAND FOR JUDGMENT**

10
11 WHEREFORE, Plaintiffs demand judgment against Defendants as follows:

12 1. For a preliminary injunction enjoining Defendants from making, using,
13 importing, selling or offering to sell the Logitech Cooling Pad N100 in the U.S.

14 2. For a permanent injunction enjoining Defendants from making, using,
15 importing, selling or offering to sell the Logitech Cooling Pad N100 in the U.S.

16 3. For an award of damages adequate to compensate for the infringement
17 under 35 U.S.C. § 284.

18 4. For an award of enhanced damages under 35 U.S.C. § 284.

19 5. For punitive or exemplary damages to punish Defendants for their
20 fraudulent conduct;

21 6. For an award of taxable costs, as permitted by law;

22 7. For an award of Plaintiffs' reasonable attorneys fees incurred under 35
23 U.S.C. § 285.
24
25